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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,331	05/25/2000	Roger V. Beathard	062891.0406	7232

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Baker Botts LLP  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER
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KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/579,331

Applicant(s)

BEATHARD ET AL.

Examiner

Thjuan P. Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16, 18-46 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16, 18-46 and 48-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/12/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on May 23, 2005 has been entered. No claims have been amended. Claims 5, 17, and 47 have been cancelled. No claims have been added. Claims 1-4, 6-16, 18-46, and 48-51 are still pending in this application, with claims 1, 13, 33, and 44 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 6-16, 18-46, and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoda et al (US 6,389,130), in view of Mashinsky (US 6,144,727).
4. In regards to claims 1, 12, 13, 33, 34, 38, 39, 40, 43, and 44, Shenoda discloses a method and call manager for call routing, comprising: receiving a call request at a first call manager (See Fig. 6 and multi-purpose switch 620) from a first telephony device (See Fig. 6 and telephone 600) coupled to a packet-based network (See Fig. 6 and ATM network 640), the call request including a telephone number associated with a second telephony device (See Fig. 6 and telephone 670); and communicating the call request to a second call manager (See Fig. 6 and multi-purpose switch 650) controlling the gateway device (See col. 10 lines 11-28 and col. 10 lines 52-58). Shenoda, however, does not disclose accessing a route list associated with the telephone number

to determine a port of a gateway device operable to transmit the call request to the second telephony device, wherein the route list comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices. Mashinsky, however, does disclose accessing a route list associated with the telephone number to determine a port of a gateway device (See Fig. 1A, international gateway switch 22, international gateway switch 24, international gateway switch 26, and international gateway switch 28) operable to transmit the call request to the second telephony device (See Fig. 1A and called telephone 4), wherein the route list comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices (See Fig. 1A, Fig. 13, col. 21 lines 20-42, and col. 22-23 lines 60-16). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to use route lists comprising route groups, wherein each route group includes a list of one or more ports of one or more gateway devices, as a way of allowing a call placed from a telephony device controlled by one call manager to be routed using the route plan to a gateway device controlled by a different call manager. This process allows more flexibility in organizing and maintaining a packet-based network having multiple call managers.

5. In regards to claims 2 and 14, Shenoda discloses the method and call manager, wherein: the packet-based network comprises an Internet Protocol (IP) network (See Fig. 2 and Internet backbone 200); the first telephony device comprises an IP telephony device (See Fig. 2 and telephone 226); and the second telephony device comprises a non-IP telephony device See Fig. 2 and (telephone 252) (See col. 4 lines 26-52).

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6. Shenoda discloses all of claims 3, 11, 15, 16, 19, 27, 28, 29, 30, 31, 32, 35, 36, 45, and 46 limitations, except the method and call manager, further comprising: accessing a registration information table to determine a process identification of a route list control process executed by the first call manager and associated with the telephone number; and communicating the call request to the route list control process using the identification, the route list control process operable to access the route list. Mashinsky, however, discloses the method and call manager, further comprising: accessing a registration information table to determine a process identification of a route list control process executed by the first call manager (See Fig. 1A and originating toll switch 14) and associated with the telephone number; and communicating the call request to the route list control process using the identification, the route list control process operable to access the route list (See col. 20-21 lines 61-19, col. 21 lines 20-42, and col. 22-23 lines 60-16).

7. Shenoda discloses all of claim 4 limitations, except the method, wherein accessing a route list associated with the telephone number comprises accessing a route list to obtain the device name and port number of the gateway device. Mashinsky, however, discloses the method, wherein accessing a route list associated with the telephone number comprises accessing a route list to obtain the device name (e.g. gateway address) and port number (See col. 22 lines 60-66) of the gateway device (See col. 7-8 lines 38-4, col. 21 lines 1-10, and col. 21 lines 20-42).

8. Shenoda discloses all of claims 6, 7, 18, 23, 24, 37, 42, and 48 limitations, except, the method and call manager, further comprising: communicating the device

name of the gateway device to a device manager executed by the first call manager; and accessing a device name mapping table using the device manager to determine a identification of a first device process executed by the second call manager and controlling the gateway device. Mashinsky, however, discloses the method and call manager, further comprising: communicating the device name (e.g. gateway address) of the gateway device to a device manager executed by the first call manager; and accessing a device name mapping table (e.g. topology map or template) using the device manager to determine a identification of a first device process executed by the second call manager (See Fig. 1A and terminating toll switch 18) and controlling the gateway device (See col. 7 lines 11-21, col. 7-8 lines 38-4, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5).

9. Shenoda discloses all of claims 8, 9, 20, and 49 limitations, except the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call proceed signal from the gateway device indicating acceptance of the call request; and communicating the call proceed signal from the second call manager to the first call manager. Mashinsky, however, discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call proceed signal from the gateway device indicating acceptance of the call request; and communicating the call proceed signal from the second call manager to the first call manager (See Fig. 1A, Fig. 13, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5).

10. Shenoda discloses all of claims 10, 21, 22, 26, 41, 50, and 51 limitations, except the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call denial signal from the gateway device indicating a denial of the call request; and communicating the call denial signal from the second call manager to the first call manager. Mashinsky, however, discloses the method and call manager, further comprising: communicating the call request and the port number from the first device process to the gateway device; receiving a call denial signal from the gateway device indicating a denial of the call request; and communicating the call denial signal from the second call manager to the first call manager (See col. 21 lines 20-29 and col. 25 lines 47-49).

11. Shenoda discloses all of claim 25 limitations, except the call manager, wherein the device manager, is further operable to: receive a signal indicating that a third call manager has come on-line in the packet-based network; and communicate the device name and associated process identification of each gateway device controlled by the call manager in which device manager is executing to the third call manager.

Mashinsky, however, discloses the call manager, wherein the device manager, is further operable to: receive a signal (e.g. SS7 signaling information) indicating that a third call manager (See Fig. 1A and telecommunications node 44 and 48) has come on-line in the packet-based network (e.g. ATM network, See col. 13 lines 28-32, col. 21 lines 20-42, and col. 22-23 lines 60-16); and communicate the device name and associated process identification of each gateway device (See Fig. 1A and international gateway

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switch 22 and 24) controlled by the call manager in which device manager is executing to the third call manager (See col. 21 lines 20-42 and col. 22-23 lines 60-16).

### ***Response to Arguments***

12. Applicant's arguments filed 05/23/05 have been fully considered but they are not persuasive. Applicants argue that Mashinsky does not disclose a "route list [that] comprises one or more route groups, each route group including a list of one or more ports of one or more gateway devices." Examiner respectfully disagrees with this argument. Mashinsky does disclose a route list [that] comprises one or more route groups (e.g. original network route or global network route), each route group including a list of one or more ports of one or more gateway devices (See col. 21 lines 20-42 and col. 22-23 lines 60-16). Furthermore, the claims merely recite "one or more route groups", and "one or more gateway devices", therefore, there may only be one route group or one gateway device, being used within the system. Applicants further argue that Shenoda fails to disclose a signal indicating that a third call manager has come on-line in the packet-based network. Mashinsky, however, was used to disclose a signal (e.g. SS7 signaling information, See col. 22-23 lines 66-7) indicating that a third call manager has come on-line in the packet-based network (col. 21 lines 20-42 and col. 22-23 lines 60-16). Applicants state that Mashinsky does not disclose accessing a route list to obtain the device name and a port number of the gateway device. Mashinsky, however, does disclose accessing a route list to obtain the device name (e.g. gateway address) and a port number (See col. 22 lines 60-66) of the gateway device (See col. 7-

8 lines 38-4, col. 21 lines 1-10, and col. 21 lines 20-42). Applicants argue that Mashinsky does not teach a device manager operable to receive a signal indicating that the second call manager has gone off-line and delete the device name and associated process identification of the gateway device controlled by the second call manager. Examiner respectfully disagrees with this argument. Mashinsky does teach a device manager operable to receive a signal indicating that the second call manager has gone off-line (for example, is no longer available for use) and delete the device name and associated process identification of the gateway device controlled by the second call manager (See col. 21-22 lines 58-18).

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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